

OPINION 981

PODICIPEDIDAE BONAPARTE, 1831 (AVES); VALIDATED UNDER THE PLENARY POWERS

RULING.—(1) Under the plenary powers it is hereby Ruled that the name of the family of which *Podiceps* Latham, 1787, is the type-genus is PODICIPEDIDAE.

(2) Paragraph 2 (a) of Direction 75 and the corresponding entry under Name No. 190 on the Official List of Family-Group Names are hereby deleted.

(3) The family-group name PODICIPEDIDAE (correction of PODICEPINAЕ) Bonaparte, [1832] (type-genus *Podiceps* Latham, 1787) is hereby placed on the Official List of Family-Group Names in Zoology with the Name Number 469.

(4) The family-group name PODICIPITIDAE (correction of PODICEPINAЕ) Bonaparte, [1832] (an incorrect spelling for PODICIPEDIDAE) is hereby placed on the Official Index of Rejected and Invalid Family-Group Names in Zoology with the Name Number 462.

HISTORY OF THE CASE (Z.N.(S.) 1509)

The present case was submitted to the office of the Commission by Mr. Guy Mountfort and Sir Landsborough Thomson in November 1961. This proposal was published in 1963, *Bull. zool. Nomencl.* 20 : 159–160. Further detailed history of the case may be found in the supplementary statement published by the Secretary to the Commission, Mr. R. V. Melville, in 1969, *Bull. zool. Nomencl.* 26 : 146–159. Public Notice of the possible use of the plenary powers in the present case was given in volume 26, pt. 3, of the *Bulletin* as well as to the other prescribed serial publications (Constitution Art. 12b; *Bull. zool. Nomencl.* 21 : 184). No comment was received.

DECISION OF THE COMMISSION

On 9 June 1971 the Members of the Commission were invited to vote under the Three-Month Rule on Voting Paper (71)16 on the proposals set out in *Bull. zool. Nomencl.* 26 : 148. The Voting Paper was divided into three parts. Commissioners were invited to decide: in Part 1 whether the use of the plenary powers was necessary to change PODICIPITIDAE to PODICIPEDIDAE; in Part 2 between Alternative A and Alternative B; in Part 3 (for those who voted in Part 2 for Alternative B) whether, in case of a majority less than a two-thirds majority voting for Alternative A in Part 2, they were prepared to let their vote be added to that majority. At the close of the prescribed voting period on 9 September 1971 the state of the voting was as follows:

Part 1. Against the use of the plenary powers—three (3), received in the following order: Starobogatov, Bonnet, Eisenmann.

For the use of the plenary powers—twelve (12): Holthuis, Vokes, Mayr, Lemche, Melville, Binder, Jaczewski, Alvarado, Sabrosky, Tortonese, Forest, Ride.

Part 2. For Alternative A—thirteen (13): Holthuis, Vokes, Mayr, Lemche,

Melville, Binder, Jaczewski, Bonnet, Alvarado, Sabrosky, Tortonese, Forest, Ride.

For Alternative B—two (2): Starobogatov, Eisenmann.

Both Commissioners voting for Alternative B were prepared to allow their vote to be added to the majority voting for Alternative A if that majority were less than a two-thirds majority.

Voting Papers not returned—two (2): Kraus, Munroe.

Commissioner Simpson voted against both Alternatives A and B. Commissioner Brinck returned a late vote in favour of Alternative A.

The following comments were made by Commissioners in returning their votes:

Dr. H. Lemche (21.vi.71): "The etymological argument seems of very little importance. What matters is that any change whatsoever in our Official Lists and Indexes strongly undermines their authority. The only reason for my not voting against any change whatsoever in the Official List is that I feel sure that the aroused feelings of ornithologists would give me no chance at all of talking them over to my view. Instead, I cling to the hope that we can at least obtain a complete agreement from all Commissioners that in this extraordinary (Grensted's misunderstanding, and a Direction instead of an Opinion) case, a change in the List must be tolerated in spite of the consequent loss of authority."

Prof. G. G. Simpson (19.vii.71): "This vote is improperly presented, and no provision for comment is made on it.

"The Commission has already voted in favour of *PODICIPITIDAE* and this has been placed on the Official List of Family-Group Names in Zoology. Now individuals not acting for the Commission have decided to annul the Commission's action and to put the name *PODICIPEDIDAE* on the Official List instead. The Voting Paper does not permit the Commission to approve or disapprove that action, but only to decide on what basis it should be taken.

"The Official Lists are closer than anything yet achieved to real stability in nomenclature. No item in them should be changed in status without strong reason. Such reason may or may not exist in this case (indeed I am inclined to think that it does), but the decision should rest with the Commission, which should not be requested merely to provide a nominal reason for a decision *not* made by the Commission."

Dr. C. W. Sabrosky (16.viii.71): "I do not quarrel with the desire of the ornithologists to preserve a bit of history together with established usage by conserving *PODICIPEDIDAE*. I desire to support the position of the Secretary, albeit with slightly different reasoning.

"It seems to me patently incorrect to derive a stem *Podiciped-* from *Podiceps*, even though *Podiceps* clearly came, *historically* speaking, from *podiceps* and not from *podium* or *podex plus ceps*. Rearrangement and telescoping of letters destroyed the ending *pes*, stem *ped-*; instead there is an ending best considered an arbitrary combination of letters, whether it originated through 'defective Latinization' (Eisenmann), or 'error in spelling' (Wetmore), or typographical error, or perhaps (though unlikely) even an intentionally short spelling by Linnaeus, copied by Latham. As an arbitrary combination of letters, it falls

under Article 29b and the stem is *Podicep-*, determined by Bonaparte, 1831, the first to publish a family-group name based on *Podiceps*: PODICEPINAЕ.

"Some may argue that nevertheless *ceps* is a Latin word and that the use of *ceps* in *Podiceps* must be so considered and treated, under Article 29a. However, it is clear in Article 30a(i)(1) that a name can be spelled the same as a Greek or Latin word and still be treated otherwise. The code would be highly inconsistent if it treated a name thus in one place (gender) and not in another (stem, formation of family-group names). I believe that the principle of original author's choice applies also in Article 29, although not so definitely stated as in Article 30. Article 29b provides for determination of stem for an arbitrary combination of letters, and what better evidence could one have than an original author's statement (or perhaps clear indication; see next paragraph) that he is making an arbitrary combination?

"The catch in the present case is that Latham did not specify that he was using *-ceps* in a different way than the Latin *ceps*, nor did Linnaeus, whose species *podiceps* was the antecedent of Latham's genus *Podiceps*. Perhaps Latham can be construed to have 'indicated' the different usage by his bibliographic reference; the requirement of definite statement in 30a(i)(1) may be too rigid. But should it be decided that the principle in 30a(i)(1) does not apply because of the absence of definite statement, then under Article 29a we would be left with *Podiceps*, *Podicipit-*, PODICIPITIDAE.

"In both alternatives, arbitrary combination of letters and Latin word *ceps*, plenary powers would be required to achieve the result desired by the ornithologists."

Dr. W. D. L. Ride (8.ix.71): "Article 29 requires that the name ending *-idae* be added 'to the stem of the name of the type-genus' and specifies the alternative methods of arriving at that stem. There are no others. The Code amply distinguishes the term 'name' from the sense or method of derivation (Article 32a(ii)) of the combination of letters which comprise it although the sense may play a specified part in its behaviour in combination (Article 30). This case requires that the plenary powers be used to set aside Article 29 because the name of the type-genus is *Podiceps* (not its derivation or meaning) and the proposed stem *Podiciped-* is formed from it in no manner specified in that Article."

ORIGINAL REFERENCE

The following is the original reference for names placed on the Official List and Index by the Ruling given in the present Opinion:

PODICIPEDIDAE Bonaparte, 1832, *Saggio Distrib. met. Anim. Vert.* : 62

PODICIPITIDAE Bonaparte, 1832, *Saggio Distrib. met. Anim. Vert.* : 62

CERTIFICATE

I certify that the votes cast on Voting Paper (71)16 were cast as set out above, that the proposal contained in that Voting Paper has been duly adopted under the plenary powers, and that the decision so taken, being the decision of the International Commission, is truly recorded in the present Opinion No. 981.

R. V. MELVILLE

Secretary

International Commission on Zoological Nomenclature

London

6 January 1972

COMMENTS AND FURTHER PROPOSAL RELATED TO *OKENIA* MENKE,
1830. Z.N.(S.) 1931

(See volume 27, pages 265–266)

By Henning Lemche (*Universitetets Zoologiske Museum, Copenhagen, Denmark*)

From Dr. C. J. Risso-Dominguez (Axcuenaga 1872, Buenos Aires, Argentina) I have received a comment on the *Okenia*-case which should rather have been sent directly to you for publication in the Bulletin. He writes—after complaining that he has difficulties in keeping in step with the publications in that journal because of the far away place in which he lives, so that he had not seen a copy of my application in time to protest within the normal period of six months:

"Now, it comes to *Okenia*. I suspect that you may wish to maintain that monster name and suppress *Cargoa*. Naturally, you are concerned with the nomenclatural problem, overlooking the zoological side of the question. With *Okenia* on the Official List, irrespective of the arguments which the 'okeniists' may argue, *Okenia* used by 100% of colleagues, except mine, logically, it will be removed from its actual position merely on zoological reasons, irrespective of the unruly violations of the rules. It was opportune to know, thanks to the work by Vogel and Schultz, that there are no nomenclatorial arguments to use it. Furthermore, *Cargoa* cannot be suppressed, since it is a good genus, with a unique species at present, which is not congeneric with *elegans* or remaining goniodorids now included in *Idalia/Okenia*."

Dr. Risso-Dominguez is correct in stating that *Cargoa* has been given its own type species—in spite of the inclusion by Vogel and Schultz of the type species—*elegans*—in their new genus, and in spite of their direct citation of both *Idalia* Leuckart and *Okenia* Menke as synonyms of their new genus *Cargoa*. Thus, a situation has arisen in which there is ambiguity in the problem of whether *Cargoa* is given as a substitute name for *Okenia*—as indicated by Vogel and Schultz in their synonymy of their new genus—or whether it is a separate genus. In order to prevent future discussion on this point, I ask that the following paragraph may be added to my proposals in this case:

(6). To rule that the generic name *Cargoa* Vogel and Schultz, 1970, type-species by original designation, *Cargoa cupella* Vogel and Schultz, 1970, is to be deemed an available generic name for those considering *Okenia elegans* Leuckart, 1828, as generically distinct from *Cargoa cupella* Vogel & Schultz, 1970.

This is the best I can do in settling the present controversy.